

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.1130 of 2005

Shri Sadanand Raghunath Tendolkar .. Appellant

versus

Shri Gajanan Raghunath Tendolkar .. Respondent

...

Mr.P.N. Karlekar for the appellant.

Mr.Kantilal Kanojia for the respondent.

CORAM : D.G. KARNIK, J

DATED : 23rd August 2006.

P.C.:

1. Heard finally by consent of the parties.
2. The appellant, who is the original plaintiff, filed a suit initially for an injunction restraining the respondent from disturbing his possession of the suit premises and other injunctive reliefs. During the pendency of the suit, the plaint was amended and plaintiff claimed a declaration of his ownership. After the amendment, the respondent raised an objection to the jurisdiction of the Court and claimed that the

suit was not maintainable as suit was not properly valued for relief of possession and proper court fee stamp was not paid. This objection was heard and by an order dated 10th August 2005 the trial court directed the plaintiff to revise the suit valuation at the market value of the property and to pay appropriate court fee stamp. The trial Court further ordered that on such court fee stamp being paid, plaint would be returned to the plaintiff for presentation to proper court.

3. At the hearing of the appeal, learned counsel for the appellant stated that the plaintiff is willing to correct the suit valuation and pay proper court fee as ordered by the trial Court. He only prayed for extension of time for payment of court fee stamp. Considering the request, in my view, it would be appropriate to grant sufficient time to the plaintiff-appellant to pay the requisite court fee stamp. Accordingly, I pass the following order :-

4. The order passed by the City Civil Court on 10th August 2005 is maintained. However, time for correcting the valuation and payment of court fee stamp is extended by eight weeks from today.

5. Appeal is disposed of.

(D.G. KARNIK, J)